

1 EDMUND G. BROWN JR.
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 ANTOINETTE B. CINCOTTA
Deputy Attorney General
4 State Bar No. 120482
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2095
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
STATE BOARD OF OPTOMETRY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. CC 2009-111

12 **ARNOLD MILTON VOLLMER**
13 **6860 Avenida Encinas**
14 **Carlsbad, CA 92008**

A C C U S A T I O N

15 **Optometrist License No. 6375**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Mona Maggio (Complainant) brings this Accusation solely in her official capacity as
20 the Executive Officer of the State Board of Optometry, Department of Consumer Affairs (Board).

21 2. On or about October 3, 1977, the State Board of Optometry issued Optometrist
22 License Number 6375 to Arnold Milton Vollmer (Respondent). On or about March 26, 2002,
23 Respondent was certified by the Board to utilize Therapeutic Pharmaceutical Agents and
24 authorized to diagnose and treat the conditions listed in subdivisions (b), (d), and (e) of Business
25 and Professions Code section 3041. The Optometrist License expired on July 31, 2009, and has
26 not been renewed.

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“(2) The determination of the powers or range of human vision and the accommodative and refractive states of the human eye or eyes, including the scope of its or their functions and general condition.

“ . . .

“(b)(1) An optometrist who is certified to use therapeutic pharmaceutical agents, pursuant to Section 3041.3, may also diagnose and treat the human eye or eyes, or any of its or their appendages, for all of the following conditions:

“ . . .

“(G) Pursuant to subdivision (f), glaucoma in patients over 18 years of age, as described in subdivision (j).

“ . . . ”

“(j) For purposes of this chapter, “glaucoma” means either of the following:

“(1) All primary open-angle glaucoma.

“ . . . ”

7. Section 3041.1 of the Code states: "With respect to the practices set forth in subdivisions (b), (d), and (e) of Section 3041, optometrists diagnosing or treating eye disease shall be held to the same standard of care to which physicians and surgeons and osteopathic physicians and surgeons are held."

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FACTS

9. Normal Tension Glaucoma (NTG) is a form of primary open-angle glaucoma (POAG) characterized by glaucomatous optic neuropathy in patients with normal intraocular pressure measurements consistently lower than 21 mmHg (millimeters of mercury). Unlike POAG where high pressure causes direct damage to the nerve cells, the cause of glaucomatous

1 damage in NTG is believed to be from an insufficient blood supply to the eye. Since intraocular
2 pressure (IOP) in NTG is within normal range, measuring intraocular pressure alone is
3 insufficient to detect normal-tension glaucoma. A thorough glaucoma screening assessment of
4 the optic nerve by an experienced examiner and visual field testing to detect scotomas (blind
5 spots) are critical for early accurate diagnosis of NTG. Left undiagnosed and untreated, NTG
6 slowly and gradually leads to blindness.

7 10. On or about December 2, 2004, patient F.M., age 61, presented to Kaiser where he
8 was seen by Respondent for his first of four visits with him. Respondent noted a change in
9 patient F.M.'s eyeglass prescription and diagnosed him with blepharitis (inflammation of the
10 eyelids). As a result, Respondent prescribed new eyeglasses and treated patient F.M.'s blepharitis
11 condition with warm compresses, lid scrubs, and artificial tears. Respondent did not perform
12 intraocular pressure (IOP) measurements during this visit or perform field testing. However,
13 Respondent did evaluate patient F.M.'s optic nerves and recorded a cup-to-disc (C/D) ratio of 0.3
14 in each eye.

15 11. On or about September 11, 2006, patient F.M. returned to Kaiser where he was again
16 seen by Respondent. Patient F.M. complained of distance blur. Respondent noted minimal
17 changes in patient F.M.'s eyeglass prescription. As routine testing, Respondent measured patient
18 F.M.'s intraocular pressure at 13 and 17 mmHg, and recorded a C/D ratio of 0.4 measurements.
19 Respondent did not perform any field testing.

20 12. On or about July 30, 2007, patient F.M. returned to Kaiser where he was again seen
21 by Respondent. Patient F.M. complained of blurred vision mainly while reading. Respondent
22 again noted minimal changes in the patient's spectacle prescription and diagnosed meibomianitis
23 for which he prescribed lid hygiene and artificial tears. Respondent recorded the patient's IOP
24 and C/D ratio measurements as 16 and 0.4 H (horizontal)/0.4 V (vertical), respectively, in both
25 eyes. Respondent made no mention of glaucoma. Respondent did not perform any field testing.

26 13. On or about December 18, 2007, patient F.M. returned to Kaiser where he was
27 again seen by Respondent. Patient F.M. complained of blurred vision and "things running
28 together when reading." Respondent again noted minimal changes in the patient's spectacle

1 prescription and diagnosed meibomianitis for which he prescribed lid hygiene and artificial tears.
2 Respondent did not perform IOP measurements during this visit and recorded the same C/D ratio
3 (0.4 H/0.4 V) in each eye as the previous visit of July 30, 2007. Again Respondent made no
4 mention of glaucoma. Respondent did not perform any field testing.

5 14. On or about September 22, 2008, patient F.M. returned to Kaiser. This time he
6 was seen by his new primary care physician. During this visit, the primary care physician noted
7 that Patient F.M. had presented with six months of gradually progressing "perception problems"
8 interfering with his daily diving. The primary care physician also noted that the patient
9 complained of being "slowed in interpreting what he is visually seeing/reading" and feeling
10 "impaired enough that he doesn't feel safe driving unfamiliar areas, or for distances greater than
11 10 minutes." The primary care physician performed a confrontational visual field examination on
12 Patient F.M., which revealed a "possible bitemporal hemionopsia [loss of vision in one half of the
13 visual field of one or both eyes]." As a result, the primary care physician ordered visual field
14 testing as well as an immediate evaluation by an ophthalmologist. In addition, to rule out tumor,
15 the primary care physician ordered a brain MRI per tumor protocol and a consultation with a
16 neurologist.

17 15. On or about September 26, 2008, Patient F.M. returned to Kaiser where he was
18 evaluated by an ophthalmologist. After examination and testing, the ophthalmologist diagnosed
19 Patient F.M. with "severe previously undiagnosed low tension glaucoma." The ophthalmologist
20 also evaluated Patient F.M.'s optic nerves and recorded a C/D ratio of 0.8 and 0.9 on the right and
21 left eye, respectively. In addition, visual field testing also revealed significant superior visual
22 field loss in both eyes. As a result, the ophthalmologist prescribed glaucoma medication to treat
23 Patient F.M.'s condition.

24 CAUSE FOR DISCIPLINE

25 (Gross Negligence, Repeated Negligent Acts, Incompetence)

26 16. Respondent is subject to disciplinary action under section Code section 3041,
27 subsections (b), (c), and/or (d) in that Respondent engaged in acts of gross negligence, repeated
28 negligence, and/or incompetence in the diagnosis and treatment of a patient with glaucoma as set


1 forth in paragraphs 9 through 15 above, which are incorporated here by this reference, by
2 repeatedly failing to diagnose Normal Tension Glaucoma in Patient F.M. because Respondent
3 repeatedly failed to accurately assess damage to Patient F.M.'s optic nerves through accurate
4 assessments of Patient F.M.'s cup-to-disc (C/D) ratio and/or visual field testing.

5 **PRAYER**

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the State Board of Optometry issue a decision:

- 8 1. Revoking or suspending Optometrist License Number 6375 issued to Arnold Milton
9 Vollmer;
- 10 2. Ordering Arnold Milton Vollmer to pay the State Board of Optometry the reasonable
11 costs of the investigation and enforcement of this case, pursuant to Business and Professions
12 Code section 125.3;
- 13 3. Taking such other and further action as deemed necessary and proper.

14 DATED: October 28, 2010


MONA MAGGIO
Executive Officer
State Board of Optometry
Department of Consumer Affairs
State of California
Complainant

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